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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,403	05/16/2001	John K. Collings III	M004.P001U1	2462
25854	7590	02/15/2006	EXAMINER	
BRYAN W. BOCKHOP, ESQ. 2375 MOSSY BRANCH DR. SNELLVILLE, GA 30078			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,403

Applicant(s)

COLLINGS, JOHN K.

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 2-26 are pending. Claims 1,27-65 are canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 2-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-26 are rejected under 35 U.S.C. 103(a) as obvious over Brewster et al [5, 960,337] in view of Marrs et al [Marrs 5,504,476].

3. As per claim 6, Brewster discloses a method comprising the steps of:
 - a. transmitting from a central computer at a central notification processing center to a first individual, via a not-automatically receipt confirmed transmission medium, (i.e.: an EAS operator transmits an emergency call to available EAS responder/ technician),
 - b. upon receiving, by the central computer, a response communication from the first individual, transmitting a request from the central computer to the first individual requesting that the first individual respond with the first event codes (i.e.: the emergency call broadcasted to the candidate EAS responders which are available to response to the emergency/incident categories, Fig 3A-D) ;

c. if the first individual responds by transmitting the first event codes then identifying the event from the first event codes (i.e.: the first EAS responder responds to the call);

d. transmitting from the central computer instructions relating to the event to the first individuals (i.e.: the EAS operator contact to the first EAS responders who accept the call);

e. transmitting from the central computer to a second individual, (i.e.: the EAS operator assigned the call to an other/second EAS responder);

f. upon the central computer receiving a response communication from the second individual, requesting that the second individual respond with the second event code (i.e.: the second EAS responders received and responded to the call);

g. identifying with the central computer the first event and the second individual from the second event code (i.e.: the EAS subsequently monitors the location of the EAS responders);

h. if the step of transmitting instructions relating to the first event to the first individual has been completed prior to the central computer receiving a response communication from the second individual, then transmitting from the central computer to the second individual an indication that the second individual is not required to respond to the first event (i.e.: the EAS operator will assign only one responder is required for this incident) [Brewster, abstract, col 5 line 50-col 13 line 25]

Brewster also discloses a first code and second code [Brewster, col 10 lines 44-68]. However Brewster does not explicitly detail

a first data packet that includes a first event code, the first event code corresponding to a first event; a second data packet that includes a second event code, the second event code corresponding to the first event

Marrs discloses a message or event notification with the first code or second code have been used to send to the first or second recipient [see Marrs reference]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the first code, second code corresponding to a first event, second event as taught by Marrs into the Brewster's apparatus in order to utilize the responding process. Doing so would provide a flexibility and effective to assign the emergency event to different responders.

4. As per claims 2-5,7-26 contain the similar limitations set forth in claim 6, Therefore claims 2-5,7-26 are rejected for the same rationale set forth in claim 6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

